



*State of New Jersey*

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF CRIMINAL JUSTICE

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TO: ALL COUNTY PROSECUTORS

FROM: First Assistant Attorney General Peter C. Harvey  
Director, Division of Criminal Justice

*GGB* Assistant Attorney General Greta Gooden Brown  
Insurance Fraud Prosecutor

DATE: August 9, 2002

SUBJECT: Insurance Company Investigators Access to Accident Reports

Significant confusion has again arisen among local police departments concerning their obligation to provide motor vehicle accident reports to insurance company investigators. It is the position of this Office that every State and local law enforcement agency, including the New Jersey State Police, is required by law to promptly provide un-redacted motor vehicle accident reports in response to requests from insurance company investigators. This information should be disseminated to all local police agencies within your respective counties to ensure compliance with the law.

The Automobile Insurance Cost Reduction Act of 1998 provides that:

Every state and local law enforcement agency, including the New Jersey State Police, **shall** make available to investigators employed by insurers, upon presentation of appropriate identification, information from any accident report ... no later than 24 hours following the time of occurrence. The information may include, but need not be limited to, the names and addresses of the owners of the vehicles, insurance information recorded on the accident report, and the names and addresses of passengers in the vehicles at the time of the occurrence and, if applicable, the name of any pedestrian injured in an accident. Every accident report form shall contain the names and addresses of any person occupying a vehicle involved in an accident, and any pedestrian injured in an accident. [N.J.S.A. 17:33A-29].

Clearly, the Act contemplates law enforcement personnel providing to insurance

company investigators copies of the accident report form that is required to be made under *N.J.S.A. 39:4-131* following the officer's investigation of a motor vehicle accident. Moreover, the Act does not require redaction of the accident report when the report is provided to insurance company investigators. On the contrary, since the intent of the Act is to enable insurance companies to obtain the information necessary to fairly and promptly evaluate possible or actual insurance claims stemming from the accident, accident reports provided to insurance company investigators should be provided without redaction.

This position should not be confused with the position previously taken by this Office regarding law enforcement agencies providing redacted copies of accident reports to members of the general public. In that instance, law enforcement personnel are authorized to redact certain personal information, such as drivers' license numbers, social security numbers and medical information, from accident reports prior to providing copies of those reports to members of the general public.

Please ensure that this memorandum is disseminated to all local police agencies within your jurisdiction. With your transmittal, you should designate an appropriate individual within your office to respond to police inquiries on this issue. Should you or any member of your staff have questions regarding this subject or require further guidance, kindly contact Acting Supervising Deputy Attorney General Stephen D. Moore, Office of the Insurance Fraud Prosecutor, at 609-896-8906.

- c. First Deputy Director Vaughn McKoy  
Joseph P. Santiago, Superintendent, New Jersey State Police  
Assistant Director Wayne S. Fisher, Ph. D.  
Insurance Industry Special Investigative Unit Directors & Managers